

March 18, 2016

VIA ECFS

Marlene H. Dortch
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
Petition of Broadnet Teleservices LLC for Declaratory Ruling
CG Docket No. 02-278

Dear Ms. Dortch:

On March 17, 2016, the undersigned, as outside counsel to Broadnet Teleservices LLC (“Broadnet”), met with David Grossman, Chief of Staff and Media Policy Advisor to Commissioner Clyburn. During the meeting, I urged prompt action on, and reiterated the points made in, Broadnet’s Petition for Declaratory Ruling (“Petition”)¹ in the above-referenced proceeding. Specifically, I requested that the Commission declare that the plain language of the Telephone Consumer Protection Act (“TCPA”) demonstrates that the statute does not apply to calls made by government entities *at all levels of government* and that the Commission should confirm that the TCPA and the Commission’s TCPA rules do not apply to federal, state, and local government entities and those acting on their behalf.

I referenced Broadnet’s February 29, 2016 notice of *ex parte* presentation, which explains that, consistent with the Supreme Court’s decision in *Campbell-Ewald v. Gomez* and other judicial decisions, not only does the TCPA not apply to the federal government, it also does not apply to state and local government entities.² I noted that without a Commission declaration that the TCPA does not apply to state and local government entities, wireless-only citizens – including an accelerating number of people of color, millennials, and individuals living in

¹ Petition for Broadnet Teleservices LLC for Declaratory Ruling, CG Docket No. 02-278 (filed Sept. 16, 2015) (“Petition”).

² See generally Notice of *Ex Parte* Presentation of Broadnet Teleservices LLC, CG Docket No. 02-278 (filed Feb. 29, 2016).

Ms. Marlene H. Dortch
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poverty – will continue to be deprived of important opportunities to engage with their state and local governments. Finally, I discussed several examples of telephone town halls conducted by state and local governmental organizations that provided important information to the public, but that was only available to those with wireline phones. For example, in Flint, Michigan, over 19,000 wireless-only households missed out on the opportunity to receive vital information on the Flint water crisis and engage with government officials.³

Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s Patrick Halley/
Patrick R. Halley

³ See Appendix A. More examples of telephone town halls made by local, state and federal government entities are available at www.wirelessnotvoiceless.com.

Appendix

FLINT WATER CRISIS

A Telephone Town Hall reached some—but *not those who needed it most*—with life-saving information.

Over 19,000 households in the impacted area were never called.

The citizens of Flint need to know.

The water crisis in Flint is not going away anytime soon. There is a lot of finger-pointing and misinformation while citizens are worried about their children, health, homes and future. What they need is information, and the chance to ask questions of people who know what to do.

A State leader held a Telephone Town Hall to provide vital information.

On January 28, 2016, Michigan State Representative and House Democratic Leader, Tim Greimel (MI-29), hosted an urgent telephone town hall on the Flint water contamination crisis. Joining Rep. Greimel were top policy-makers from other Michigan districts that are being impacted by the water poisoning. They provided important and life-saving information on the call, while answering citizens' most pressing questions.

Over 19,000 households could not be called.

For the telephone town hall, the Representative called households in the districts impacted by the crisis—but only if they had a landline. **Regulations prohibited them from calling mobile phones and providing those citizens with life-saving information.**

Those who needed help the most were not on the call.

Families with young children, minorities, low-income and inner-city residents—the ones most at risk in this crisis—are more likely to only have a mobile phone in their household and consequently miss out on this vital information. **For that reason, the Representative had to exclude more than 12,000 households with people age 50 or less—exactly who should have been called.**



7,835 Landline participants
0 Mobile participants

A sample of what was discussed:

"...there were laws that were broken..."

"...thousands of families in the Flint area may find themselves homeless in less than 90 days..."

"...it is unclear what other health risks may still exist..."

"...lead can actually lower somebody's IQ..."

"...right now their only solution is bottled water..."

BREAKING» Obama Nominates Centrist Merrick Garland to Supreme Court (<http://patch.com/new-york/newcity/s/fnlhh/obama-nominates-centrist-merrick-garland-to-supreme-court>)

Hoehmann to Host First Clarkstown Tele-Town Hall Monday

The new town supervisor said improving communications with residents is imperative.

New City, NY

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By LANNING TALIAFERRO (Patch Staff) - (<http://patch.com/users/lanning-taliaferro>) ☺ January 29, 2016 3:30 pm ET



Supervisor George Hoehmann announced today the first in a series of Tele-Town Hall forums to begin Feb. 1.

These forums will be conducted over the phone, allowing the residents of Clarkstown to have direct access to their Supervisor and Town Government.

More from New City Patch

- Obama Nominates Centrist Merrick Garland to Supreme Court (<http://patch.com/new-york/newcity/s/fnlhh/obama-nominates-centrist->

“Communication is the cornerstone of having a transparent and accessible government,” Hoehmann said in a prepared statement. “These Tele-Town Hall forums are a great tool that we can use in our continuing efforts to make Clarkstown more accountable to the

merrick-garland-to-supreme-court)

- Briarcliff Firm Selected As Installer for Rockland-wide Solarize Campaign
(<http://patch.com/new-york/newcity/briarcliff-firm-selected-installer-rockland-wide-solarize-campaign>)
- Clarkstown Cops Accuse 2 of Shoplifting at the Palisades Mall
(<http://patch.com/new-york/newcity/clarkstown-cops-accuse-2-shoplifting-palisades-mall>)
- Hail, Thunderstorms, Gusty Winds Possibly Heading to New City
(<http://patch.com/new-york/newcity/hail-thunderstorms-gusty-winds-possibly-heading-new-city>)

people. Opening the lines of communication with our residents is the key to ensuring that we are doing their will.”

The first one starts at 6 p.m. Monday. If you are interested in participating in the Tele-Town Hall, click [here](http://r2o.rs6.net/tn.jsp?)
(<http://r2o.rs6.net/tn.jsp?>

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Rep. Kate Harper to host phone town hall meeting to talk budget, pension, more

Published: Wednesday, January 27, 2016



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By Rep. Harper's Blue Bell Office
For Digital First Media

HARRISBURG >> From budgets and taxes to pension reform and liquor privatization, there is no shortage of major issues under discussion at the state Capitol. Rep. Kate Harper (R-Montgomery) is hosting a telephone town hall meeting to discuss those issues and more on Wednesday, Jan. 27, from 6:45-7:45 p.m.

"Half way through the fiscal year, we finally have most of a budget – a little more than 80 percent – in place," Harper said. "But in about two weeks, the governor is scheduled to present his 2016-17 proposal to the General Assembly, so the debate over taxes and spending is sure to continue. I look forward to hearing what people have

to say on this and the other issues facing our Commonwealth.”

A telephone town hall meeting works very much like a traditional town hall meeting, but because people can participate from the comfort of their own homes, these meetings typically draw hundreds of people rather than just dozens.

Calls inviting people to participate will start going out about five minutes before the telephone town hall meeting is to begin. Participation is easy, as all you’ll need to do is stay on the line to listen, or if you’d like to make a comment or ask a question, you’ll be directed to hit *3. Citizens who miss the call or don’t receive one are invited to call in, toll-free, at 1-877-229-8493 and then enter the code 13162 anytime between 6:45 p.m. and 7:45 p.m. on Jan. 27. The number and passcode will only work on the scheduled date and time of the call.

Audio of the call will be streamed live at <http://video.teleforumonline.com/video/streaming.php?client=3162>.

The 61st District includes most of Whitpain and Lower Gwynedd townships and all of North Wales Borough and Towamencin and Upper Gwynedd townships.

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Telephone town hall meeting a success for Orland Park



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Jon DePaolis, Staff Writer

2:53 pm CDT September 16, 2015

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When the idea came about for the Village of Orland Park to host a Telephone Town Hall meeting, Trustee James Dodge said he was skeptical. He was not quite sure what would happen or how well attended it might be.

But after more than 2,300 phones called into the meeting Thursday, Sept. 10, Dodge, the moderator of the event — which was set up akin to a call-in radio show — was overjoyed.

"We've been absolutely thrilled with everyone's responsiveness and the questions," he said at the close of the meeting.

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